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30 HM US SERVICES, LLC (fka LEHIGH HANSON SERVICES LLC)

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

WALTER L. RAINES, on behalf of  
herself and others similarly situated,

Plaintiff,

VS.

LEHIGH HANSON SERVICES, LLC;  
CALAVERAS MATERIALS, INC.;  
MARTIN MARIETTA MATERIALS,  
INC.; HEIDELBERG CEMENT  
GROUP; and DOES 1 to 100, inclusive,

## Defendants.

Case No.: 2:23-cv-01539-DJC-CKD  
Assigned to Judge Daniel J. Calabretta

## CLASS ACTION

**STIPULATION TO EXTEND  
DEADLINE TO SUBMIT UPDATED  
JOINT STATUS REPORT**

Complaint Filed: June 5, 2023  
Removed: July 27, 2023

1 Plaintiff WALTER RAINES (“Plaintiff”) and Defendants HM US SERVICES  
2 LLC (fka LEHIGH HANSON SERVICES, LLC) (“LHS”) and MARTIN  
3 MARIETTA MATERIALS, INC. (collectively “Defendants”) file this Stipulation to  
4 Extend Deadline to Submit Updated Joint Status Report and respectfully request that  
5 the Court approve the stipulation, extending the deadline for the Parties to submit their  
6 updated Joint Status Report until 30 days after the Court rules on the outstanding  
7 motions detailed below.

8 The parties filed their original Joint Status Report (Dkt. 20) on September 27,  
9 2023. On that same day, the Court issued a Minute Order (Dkt. 21) directing the parties  
10 to file an updated Joint Status Report within 30 days after the Court’s ruling on  
11 Defendant’s then-pending Motion to Dismiss (Dkt. 7) and Plaintiff’s forthcoming  
12 amended complaint.

13 The Court ruled on Defendant’s Motion to Dismiss on October 5, 2023. (Dkt.  
14 22). And Plaintiff filed his Amended Complaint on October 20, 2023. (Dkt. 23). The  
15 updated Joint Status Report is, therefore, due on Monday, November 20, 2023.

16 However, there are three pending motions filed since the Court’s Minute Order  
17 that could substantially affect the nature of the parties and claims. They are:

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- 19 • Defendant Martin Marietta’s Motion to Dismiss the repleaded meal period  
claims in Plaintiff’s Amended Complaint (Dkt. 24);
- 20 • Defendant LHS’s Motion to Dismiss based on a prior class action  
settlement agreement (Dkt. 25); and
- 21 • Defendant Martin Marietta’s Motion to Consolidate Plaintiff’s separately  
filed PAGA action into this case (Dkt. 26).

22 The Parties therefore stipulate and respectfully request the Court to approve that  
23 the deadline to file an updated Joint Status Report be extended until 30 days after the  
24 Court rules on the three motions identified above.

25 This Stipulation is not made for the purposes of delay but to promote judicial  
26 efficiency and to provide the Court with a more meaningful status report. This is the

1 Parties' first request to extend the Joint Status Report deadline. This case is not yet set  
2 for trial, and so no discovery cutoff or motion deadline has been set.

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5 Dated: November 20, 2023

Respectfully submitted,

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By: /s/ Aaron Boal

Aaron Boal, Esq.

Attorneys for Plaintiff

WALTER RAINES, on behalf of  
herself and others similarly situated

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By: /s/ Kelli Hinson

Kelli Hinson, Esq.

Attorneys for Defendant MARTIN  
MARIETTA MATERIALS, INC.

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By: /s/ Ethan Chernin

Ethan Chernin

Attorneys for Defendant HM US  
SERVICES LLC (fka LEHIGH  
HANSON SERVICES, LLC)

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Dated: November 21, 2023

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA  
UNITED STATES DISTRICT JUDGE

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